

UNITEL FAX MEMO

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Pages to Follow: 5

Date: February 14, 2008

To: Hon Charles S. Haight Jr.
Gary Silverman, Esq
AUSA Ben Torrance

From: William Callahan

Re: [REDACTED] Follow Up

Attached is our follow-up letter to the [REDACTED] investigation

Office of The Independent Investigator

NYC District Council of Carpenters & Joiners
17 Battery Place, Suite 1226
New York, NY 10004
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William P. Callahan, Esq.
Independent Investigator

February 14, 2008

Hon. Charles S. Haight, Jr.
Senior United States District Judge
Southern District of New York
500 Pearl Street, Room 1940
New York, NY 10007

Re: United States v. District Council of Carpenters
90 Civ. 5722 (CSH)

[REDACTED]

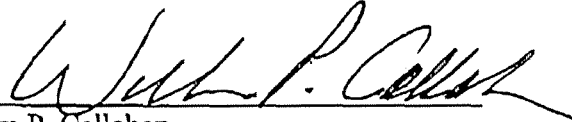
Dear Judge Haight,

The Independent Investigator's Report on [REDACTED] submitted to you on August 24, 2007 indicated that we would revisit the compliance initiatives recommended in the report during the month of January 2008. Despite the efforts of the II and the District Council business agents responsible for supervision of the union members working for [REDACTED] it was necessary for Business Agent Brian Hayes to file a grievance under the collective bargaining agreement for [REDACTED]'s failure to comply with the "50-50" from July 2006 to December 2007. The date cited for the grievance coincides with the effective date of the collective bargaining agreement now in force. The grievance was reviewed by Vice President Denis Sheil, Grievance Committee Chair, who set a March 11, 2008 date for the initial grievance hearing. It should be noted that [REDACTED] did hire union carpenters and pay the union rates for wages and benefits; however, [REDACTED] continued to hand-pick its workforce except for the few occasions when they did utilize the OWL for staffing.

Since the submission of the report, the II recognizes the efforts of Director of Operations Maurice Leary, Local 608 Business Manager John Greaney and Business Agent Brian Hayes in trying to persuade [REDACTED], [REDACTED]'s owner to utilize the OWL. Bernard Kane from my office and Scott Danielson, OWL Supervisor interviewed Mr. O'Donnell and the full-time employees of [REDACTED], and impressed upon them the need to comply with the "50-50" staffing requirements prior to our initial submission. Unfortunately, these efforts at persuasion failed. Mr. Thomassen and the Executive Officers of the District Council were kept apprised by the anti-corruption committee and as January 2008 approached it became quite obvious to all that a grievance had to be filed.

We truly hoped that we would be reporting better news to the court regarding [REDACTED]'s compliance with the job-staffing practices. I have attached the January 30, 2008 letter to [REDACTED] from Mr. Sheil and a copy of the grievance filed by Business Agent Hayes. Mr. Torrance was previously apprised of the developments by my office.

Respectfully submitted,



William P. Callahan
Independent Investigator

cc: AUSA Benjamin Torrance
Gary Silverman, Esq.

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA

NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS

MICHAEL J. FOADE
Executive Secretary / Treasurer

PETRA THOMASSEN
President

DENIS SHEIL III
Vice President



INSTITUTED AUGUST 12TH, 1881

395 HUDSON STREET
NEW YORK, N.Y. 10014
PHONE: (212) 366-7500
FAX: (212) 675-3118

Grievant: BRIAN HAYES, LU 0608
Employer: [REDACTED]
File No.: 2008-17

NOTICE OF GRIEVANCE HEARING

Please be advised that the attached Grievance have been filed with the Grievance Committee. Please attend a Grievance Hearing to discuss and attempt to resolve this Grievance on:

Date: March 11, 2008

Time: 10:30 AM

Place: District Council for New York City and Vicinity,
United Brotherhood of Carpenters and Joiners of America, AFL-CIO
395 Hudson Street, 9th Floor
New York, NY 10014

REQUEST FOR DOCUMENTS

The Grievance Committee will also appreciate your providing any supporting documents no later than seven (7) days before the above date. This request for information is being made pursuant to the Labor Management Relations Act of 1947, 29 U.S.C. § 158 (a)(5), which requires the Employer to provide relevant information to assist in the adjustment of this Grievance as part of the Employer's obligation to bargain with the District Council in good faith. Failure to comply may result in the filing of an unfair Labor practice charge.

NOTICE OF ARBITRATION HEARING DATE

If this Grievance is not resolved, you will be served with a Demand for Arbitration and the Arbitration will proceed before the Contract Arbitrator. You will be notified of the scheduled arbitration date.

Thank you for your cooperation.

Sincerely,

Denis Sheil
Grievance Committee Chair
Dated: January 30, 2008



Grievance

Business Rep: Brian Hayes Local Union: 608
 This Grievance is brought on behalf of: Local 608 S.S. #: _____
 [was notified of this Grievance on: _____]

Nature of Dispute (Check One):

- ☐ Wage Only (Part V) ☐ Stamp Only ☒ Both (See Part V)
☐ Contract Breach ☐ Tools' Claim (Must Attach Itemized Bill)
☐ Other (Specify in Part IV)

Part II: Employer's Information

Employer: _____ Employer's Contract: ITL Agreement B.C.A. ☐ G.C. ☐ SUB
 Address: _____ City: _____ State: NY Zip: _____
 Telephone No.: _____ Facsimile: _____
☐ Employer was notified on: _____
 The Employer is (check one): ☐ Independent ☒ Association member (Specify): B.C.A.

Part III: Grievance History

Job Site (Address): _____ Name of Building/Store: _____
 Dates of Violation: 7/1/06 to 12/1/07 Articles/Paragraphs: _____
 Name of Job Steward: _____ was notified on: 12/1/07

Witness Name	Witness SS #	Address	L.U.	Telephone

Part IV: Nature of Claim

State briefly all facts: 50/50 was not maintained from 7/1/06 to 12/1/07
Amount to be Determined At Grievance

Remedy sought: ☐ wages: \$ _____ (____ hours) ☐ benefits: \$ _____ (____ hours)
☐ other: _____
 Total: \$ _____ show calculation for above: _____

Part V: Certification: If this Grievance relates to a Wage Claim, this Part V must be signed by the member claiming Wages before a notary public.

Brian Hayes, the Wage Claimant in this Grievance, authorize the District Council to settle this claim on my behalf and certify, under penalties of perjury that the facts set forth in Part IV above relating to my Wage Claim are true and correct to the best of knowledge:

Presented to me before me on this 3rd day of January, 2008

CLAUDIA C. SMITH
 Notary Public, State of New York
 No. 015M6030061
 Qualified in Kings County
 Commission Expires March 6, 2010

Notary Public

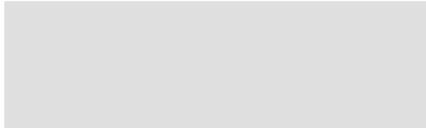
Part VI: Grievant's Signature:

Submitted: 1/3/08 Business Rep.: Brian Hayes Date: 1/3/08

Use Only: ☐ Received on: _____ By: _____
 Grievance Logged (#): 08-17 ☐ Grievance Hearing Set For: _____
 Settled ☐ Withdrawn ☐ Dismissed ☐ Arbitration (Dated): _____

SERVICE LIST:

Via Certified Mail No. 70033110000500014173



Via First Class Mail:
BUILDING CONTRACTORS ASSOC.
451 PARK AVENUE SOUTH
NEW YORK, NY 10016
Attn: JOHN O'HARE

Via First Class Mail:
LOCAL 0608
505 8TH AVENUE, 4TH FLOOR
NEW YORK, NY 10018
Attn: BRIAN HAYES